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EXAMINER
CASCA, FRED A

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 September 2009_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _75-101_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _75-101_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's amendment filed on September 18, 2009. Claims

75-101 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 75-76, 79, 81, 82, 86-93 and 100-101 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Rukman (US 2004/0185883 A1) in view of Laumen et al (US

2003/0109269 A1).

Referring to claim 75, Rukman discloses a method for transmitting service messages in

a network (abstract and Fig. 1), the method comprising the steps of:

registering a terminal having a network system address with a server (Fig. 1, note that

clients 104, 102 and 114 are registered);

receiving terminal device information and control information for server-side configuring

of the communication system, including a communication system address for the terminal (Fig.

1, note that terminal device information and control information are inherent in mobile networks

in order for communication to take place between a terminal device and the network);

accepting a service message at the server from a service center in accordance with a predetermined transmission protocol (Par. 26, lines 6-8 and Fig. 2-3);

performing terminal-specific configuration at the server using the terminal device information and control information to generate a terminal-specific configuration template and terminal-specific parameterized configuration profile (Par. 11-14 and Figures 2-5);

identifying the addressee of the service message and sending a notification message to the identified addressee of the received service message with an addressing scheme for collecting the content of the service message (Fig. 2-5 and Par. 2-4 and 8, note that identifying an addressee of a service message and sending a notification message to the addressee is inherent in SMS, MMS and email communications);

transmitting the content of the service message from the server to the terminal by means of a retrieval request conveyed to the server by the terminal (Fig. 2-5 and Par. 2-4 and 8, "SMSC", note that transmitting of message contents from server to the terminal by means of a retrieval request is inherent in SMS and MMS);

and producing an audio/visual presentation message (Par. 9, note that MMS provides audio/visual presentations), based on a pre-specified presentation format from the service message using the formatted structure information and the terminal-specific configuration template and the terminal-specific parameterized configuration profile and conveying the presentation message to the terminal (Par. 15, lines 8-12, and Par. 11,Par. 42, note that the configuration template is the template window of SMS message that prompts a user to enter information which is commonly used in SMS messaging systems, and the terminal-specific parameterized configuration profile is equivalent to the parameters that identify the specific

terminal, e.g., the phone number, and/or name if it has been associated with the specific telephone number, which is common in SMS messaging systems).

Rukman does not specifically disclose disassembling the service message into individual components, and analyzing the structure of the components to obtain formatted structure information.

Laumen discloses disassembling the service message into individual components, and analyzing the structure of the components to obtain formatted structure information (Par. 5).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 76, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose the terminal generates a message content for a further service message intended for a subscriber in the network (see rejection of claim 1), further comprising: producing a service message generating template at the server using the device information based on a predetermined presentation format, for generating the further service message, and transmits said service message generating template to the terminal (Rukman, Fig. 2-5 and Par. 11-15); and forwarding the generated message content to the received service message generating template and transmitting the service message generating template, augmented with the message content, to the server in accordance with a predetermined transmission protocol; generating the further service message, from the service message

generating template furnished with the message content and transmitting the further service message intended for the subscriber in the network to the service center (Rukman, Fig. 2-5 and Par. 11-15).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 79, the combination of Rukman/Laumen discloses the method according to claim 75 and further disclose wherein the terminal comprises one of a set-top box (STB), a smart telephone (STF), a "Personal Digital Assistant" (PDA), a cordless base station (BS), a personal computer (Par. 6).

Referring to claim 81, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose the device information indicates the type, characteristics, or features of the terminal (Fig. 1 and Par. 24 and 26, note that a network must know information about type and features of a terminal).

Referring to claim 82, the combination of Rukman/Laumen discloses the method according to claim 75, and inherently disclose the control information comprises a password, the type and scope of a notification message (MN), a personal profile of the terminal user and/or personal preferences of the terminal user (Par. 4, 24 and 26).

Referring to claim 86, the combination of Rukman/Laumen discloses the method according to claim75, and further disclose wherein registering of the terminal with the server is performed offline directly with the operator of the server by entering the network-specific network address on the server or by registering and logging on via WEB forms, with the server keeping   track   of   a   current   status   by registering a legitimacy, along with a terminal user's personal profile, a terminal type and characteristics, and storing the terminal user's personal preferences in terms of presenting and interacting (Fig. 1-5, note that registering offline before terminal distribution is inherent).

Referring to claim 87, the combination of Rukman/Laumen discloses the method according to claim75, and further disclose wherein the protocol between the server and the service center comprises one of: a "Multimedia Message Service Center (MMSC)" forwarding a MMS- specific "Protocol Data Unit (PDU)" to the server; a "Short Message Service Center (MMSC)" forwards a SMS-specific "Protocol Data Unit (PDU)" to the server; an "Instant Messaging Service Center (IMSC)" forwards "instant messages" to the server using an SIP redirector; an "Electronic Mail Service Center (EMai 1SC)" forwards e-mails to the server, and a "Voice Mail Service Center (VMailSC)" which accepts voice mails as e- mails or, as a gateway, accepts calls and forwards them to the server as e-mails or SIP messages (see Par. 11-15 and the rejection of claim 1).

Referring to claim 88, the combination of Rukman/Laumen discloses the method according to claim75, and further disclose wherein an editing unit of the server further accepts

attachments to the message content of the service message and converts them into a graphic

format supported by the terminal, with said editing unit recognizing the files added as an

attachment from the respective ending of the ID code, executing a suitable processing program

for the respective file type to incorporate a device driver for output in a specific graphic format,

and, via said program, converting the respective file into a suitable format for the terminal (Par.

11-15 and Lauman Par. 5).

It would have been obvious to a person of ordinary skill in the art at the time of invention

to modify the method of Rukman in the format claimed by incorporating the teachings of

Lauman for the purpose of providing an efficient communication system.

Referring to claim 89, the combination of Rukman/Laumen discloses the method

according to claim75 and further discloses the structure information obtained from the analysis is

processed to form a compilation, where the modality of media is converted into a series of

related individual files (Fig. 11-15 and Fig. 2-5).

Referring to claim 90, the combination of Rukman/Laumen discloses the method

according to claim 89, and inherently disclose the media is analyzed in terms of secondary

information comprising at least one of author identification, the time of the recording and place

of the recording, and wherein metadata generated during said analysis is assigned to the structure

information (Fig. 11-15 and Fig. 2-5).

Referring to claim 91, the combination of Rukman/Laumen discloses the method

according to claim 90 and further discloses the structure information is a MPEG-7 format (Par.

7).

Referring to claim 92, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose the notification message is transmitted to the server during of after a time period where the terminal is logging on to the server (Lauman, Par. 24). It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Claim 93. the combination of Rukman/Laumen discloses the method according to claim75, and further disclose the notification message is transmitted to the server during a time period where the presentation message is retrieved from the notification message (Lauman, Par. 24).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 100, the combination of Rukman/Laumen discloses the method according to claim 75, and further discloses if the session is interrupted, the server will keep track of the status of message retrieving through transmitting of the retrieval request by the terminal by storing the status so that the session can be resumed at a later time (see rejection of claim 1. Note that keeping track and retrieving is inherent in SMS and MMS networks).

Claim 101 recite features analogous to the features of claim 75, thus the combination of Rukman/Laumen discloses all elements of claim 101 (see the rejection of claim 75 above).

4.   Claims 77, 78, 80, 83-85 and 94-99 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rukman (US 2004/0185883 A1) in view of Laumen et al (US 2003/0109269

A1) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 77, the combination of Rukman/Laumen discloses the method

according to claim 75.

The above combination does not specifically disclose at least one of the server

connections is a "Transmission Control Protocol/Internet Protocol (TCP/IP)" connection.

The examiner takes official notice of the fact that a TCP/IP connection is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention

to modify the combination in the format claimed for the purpose of providing an efficient

communication system.

Referring to claim 78, the combination of Rukman/Laumen discloses the method

according to claim 75.

The combination does not specifically disclose one of a telephone number, an e-mail

address, a "session Initiation Protocol (SIP)" and a "Universal Resource Identifier (URI)" is used

as the network address and an 1P address is used as the communication system address.

The examiner takes official notice of the fact that using one of an e-mail address, a "session Initiation Protocol (SIP)" and a "Universal Resource Identifier (URI)" as the network address and an 1P address as the communication system address is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 80, the combination of Rukman/Laumen discloses the method according to claim 79.

The combination does not specifically disclose wherein the terminal further comprises a universal interface to the packet-oriented connection via which the terminals are connected in accordance with a packet-oriented short- range radio or line-linked connection protocol either directly to the server or indirectly to the server by the base station or set-top box.

The examiner takes official notice of the fact that universal interface to the packet-oriented connection so that the terminals are connected in accordance with a packet-oriented short- range radio is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 83, the combination of Rukman/Laumen discloses the method according to claim75.

The combination does not specifically disclose wherein a "Simple Mail Transfer Protocol (SMTP)" is used as the protocol between the server and service center and a "HyperText Transfer Protocol (HTTP)" or "Session Initiation Protocol (SIP)" is used as the protocol between the server and terminal.

The examiner takes official notice of the fact that combining a "Simple Mail Transfer Protocol (SMTP)" as a protocol between the server and service center and a "HyperText Transfer Protocol (HTTP)" or "Session Initiation Protocol (SIP)" as a the protocol between the server and terminal is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 84, the combination of Rukman/Laumen discloses the method according to claim75.

The combination does not specifically disclose wherein one of a "HyperText Markup Language (HTML)", an EXtensible Markup Language (XML)", a "WAP (Wireless Application Protocol) Markup Language (WML)" and a "5ynchrorlized Multimedia integration Language (SMIL)" is used as the presentation format for the presentation message and the service message generating template.

The examiner takes official notice of the fact that using one of a "HyperText Markup Language (HTML)", an EXtensible Markup Language (XML)", a "WAP (Wireless Application Protocol) Markup Language (WML)" and a "5ynchrorlized Multimedia integration Language

(SMIL)" as the presentation format for the presentation message and the service message generating template is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 85, the combination of Rukman/Laumen discloses the method according to claim75.

The combination does not specifically disclose wherein an "EXtensible Style Sheet Language Transformation (XSLT) is used for generating the configuration profile.

The examiner takes official notice of the fact that using "EXtensible Style Sheet Language Transformation (XSLT) for generating the configuration profile is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 94, the combination of Rukman/Laumen discloses the method according to claim75.

The combination does not specifically disclose wherein the terminal comprises a set-top box communicatively coupled to a television set, and wherein the notification message is transmitted directly during the television program in progress.

The examiner takes official notice of the fact that a set-top box communicatively coupled to a television set, and wherein the notification message is transmitted directly during the television program in progress is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 95, the combination of Rukman/Laumen discloses the method according to claim 94.

The combination does not specifically disclose wherein the notification message already contains elements of the service message and is in the form of an instant message.

The examiner takes official notice of the fact that a notification message already containing elements of the service message and being in the form of an instant message is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 96, the combination of Rukman/Laumen discloses the method according to claim 94.

The combination does not specifically disclose when the notification message is presented on a television screen, the television program in progress will automatically be recorded in the manner of time-shifted viewing then resumed without interruption on the screen when the notification has been acknowledged.

The examiner takes official notice of the fact that a notification message being presented on a television screen, the television program in progress will automatically be recorded in the manner of time-shifted viewing then resumed without interruption on the screen when the notification has been acknowledged is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 97, the combination of Rukman/Laumen discloses the method according to claim 96.

The combination does not disclose wherein the display of the presentation message and notification message on the television screen is subdivided into 4 quadrants, with the content of the message archive being displayed in a first quadrant and the television program in progress being displayed in a second quadrant, while the respective message and current media being respectively displayed in a third and a fourth quadrant.

The examiner takes official notice of the fact that displaying of the presentation message and notification message on the television screen being subdivided into 4 quadrants is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 98, the combination of Rukman/Laumen discloses the method according to claim 97.

The combination does not specifically disclose wherein the set- top box is assigned cursor keys with said cursor keys being used to navigate and select messages in a message archive, and to change views between the quadrants.

The examiner takes official notice of the fact that the assigning set- top box cursor keys so that cursor keys being used to navigate and select messages in a message archive, and to change views between the quadrants is well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 99, the combination of Rukman/Laumen discloses the method according to claim 98.

The combination does not specifically disclose wherein a television remote control unit or a computer keyboard is used as the remote control instrument.

The examiner takes official notice of the fact that remote controls are well known in the art.

It would have bee obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Response to Arguments

5.   Applicant's arguments with respect to claims 75-100 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner disagrees with the applicant because both Rukman and Lauman teaches messaging systems in wireless communications. They both teach notification in messaging system and thus, they complement each other.

Applicant's arguments with respect to claim 101 have been fully considered but they are

not persuasive.

In response to arguments that the combination does not disclose the limitation, "performing

terminal-specific configuration at the server using the terminal device information and control

information to generate a service message generating template, based on a predetermined

presentation format for generating the service message", the examiner respectfully disagrees.

The above limitation is disclosed at least in Par. 11-15 of Rukman. Rukman discloses a Short

Message Service (SMS) in Par. 11. A person of ordinary skill in the art would appreciate that in

SMS each mobile device is provided with a unique service message generating template where

the template is used by the user to fill in user information, target subscriber information and the

data to be transmitted. Rukman discloses a first non-SMS message being directed to an SMS

client, wherein the original sender's address is a reply address for the first non-SMS message. A

unique reply telephone number is assigned to the first non-SMS message (see Par. 11). Here, the

unique telephone number identifying the non-SMS message is equivalent to the terminal-specific

configuration. Further, the terminal device information is broadly interpreted as the ESN or

IMSI or TMSI information associated with every mobile terminal, and the control information

inherently includes the identification information such as IMSI, TMSI, or ESN. Thus, the

generating of unique template which is uniquely performed for the unique mobile terminal has to

be determined through terminal device information and the control information. Applicant's

arguments with respect to the limitation, "transmitting said service message generating template

to the terminal", has been considered but are not persuasive. The template used by the first SMS

user of Rukman (see Par. 11 and 13). Therefor, in order to be used it must have the template to

compete the target subscriber information, and thus, it must have been transmitted. In response

to arguments that the combination does not disclose the limitation, "combining the generated

message content with the service message generating template using a pr-specific

server/terminal-specific transmission protocol", the examiner respectfully disagrees. The

combining of the SMS message with the SMS template message is common in SMS messaging

systems. Here, the SMS message system of Rukman provides an SMS message window where

the window serves a template and the unique information added thereto combined with the

window information are transmitted (see Figures 2-5).

In response to arguments that combination does not disclose, generating a service message at the

server using the combined service message generating template and message content, the

examiner respectfully disagrees. The generating of a service message at the server using the

combined service message, generating template, and the message content is equivalent to

combining an SMS message with template that includes user information and combining that

with message content, which is the equivalent combining in sending SMS message, combining

the subscrber part as presented in the template, and also combining the message content (see

Figures 1-5 and Par. 11, 13, 15, 26 and 16).

Conclusion

6.   **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of
the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617